3956. Misbranding of Dr. De-Pass analgesic compound. U. S. v. 99 Bottles * * *. (F. D. C. No. 33445. Sample No. 21364–L.)

LIBEL FILED: July 2, 1952, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about April 11, 1952, by the Dr. De-Pass Chemical Co., from Chicago, Ill.

PRODUCT: 99 6-ounce bottles of *Dr. De-Pass analgesic compound* at Jackson, Miss.

LABEL, IN PART: "Dr. De-Pass Analgesic Compound * * * Active Ingredients: Potassium Iodide, Solium Salicylate and Sodium Bicarbonate."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article, namely, in an accompanying newspaper clipping headed "Do You Suffer? From Arthritis Rheumatism," were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for arthritis, rheumatism, swollen wrists and fingers, and difficulty in walking. The article was not an adequate and effective treatment for those conditions.

Further misbranding, Section 502 (f) (2), the labeling of the article failed to bear an adequate warning against continuing the duration of treatment if a skin rash was produced by the iodide ingredient.

DISPOSITION: November 12, 1952. William Martin, owner of the Dr. De-Pass Chemical Co., requested that the libel action be dismissed on the basis of insufficient evidence, after which the Government's attorney moved for judgment on the pleadings. The court sustained such motion and having found that the product was mislabeled, entered judgment providing for condemnation and destruction of the product.

3957. Misbranding of Niagara devices. U. S. v. 25 Devices, etc. (F. D. C. No. 33887. Sample Nos. 16643–L, 16646–L.)

LIBEL FILED: September 26, 1952, Western District of Missouri.

ALLEGED SHIPMENT: On or about August 9, 1950, and on unknown dates, by Niamco, Inc., from Dallas, Tex.

PRODUCT: 25 *Niagara Hand Unit devices* and 20 *Niagara Portable devices* at Kansas City, Mo., in the possession of the Niagara Equipment Co., together with certain written, printed, and graphic matter consisting of a number of sales manuals entitled "Health Program for Niagara Health Equipment Company," a number of booklets entitled "Sales Talk" and "Niagara The Monarch of Mechano Massage," a number of books entitled "Stories The Feet Can Tell," a number of charts entitled "Zone Therapy Chart," and a number of pamphlets entitled "Niagara Deep Massage." Some of the written, printed, and graphic matter was shipped from Dallas, Tex.; some was printed in Kansas City, Mo.; and the origin of the remainder was not known.

The devices were vibrators. The *Niagara Hand Unit devices* were so designed as to adapt them to be held in the hand while being applied to any part of the body and the *Niagara Portable devices* were designed for resting the feet upon or for sitting or leaning upon.

LABEL, IN PART: "Niagara of Adamsville, Pa. * * * Hand Unit" and "Niagara of Adamsville, Pennsylvania All Purpose Portable Model."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned written, printed, and graphic matter accompanying the de-

vices as labeling were false and misleading. The statements represented and suggested that the devices constituted an adequate and effective means of treatment for disorders of the heart, liver, colon, rectum, kidneys, neck, gallbladder, small intestines, appendix, ileocecal valve, lungs, bronchial tubes, stomach, spine, knees, pituitary gland, eyes, ears, pancreas, adrenals, spleen, bladder, glands, uterus, ovaries, prostate, hip, menstruation, circulation, aorta, larynx, trachea, diaphragm, and mesentery; for constipation, broken arches, misplaced vertebra, common cold, pneumonia, pernicious anemia, simple anemia, astigmatism, glaucoma, burning or itching condition of the eyes, deafness, enlarged tonsils, sore throat, trouble in the throat, troubles in the head, stiff lame neck, sinus trouble, catarrh of the head, sciatica, hay fever, hypothyroidism, exophthalmic goiter, neurasthenia, headache, female trouble, diabetes, asthma, eczema, thrombosis, embolism, indigestion, palpitation, angina pectoris, gallstones, acute gallbladder attacks, jaundice, atrophy, sclerosis, varicose veins, pain in or lameness of the back, impinged nerves, Bright's disease, enlargement or atrophy of the kidneys, floating kidney, dropsy, lumbago, paralysis, hypertension, bursitis, lame, aching, or stiff shoulder, neuritis of the shoulder, lame hip, arthritis, hemorrhoids, enlargement of the prostate, prolapsed rectum, congestion in general, cystitis, tightening of the muscles of the uterus and vagina, menstrual cramps, pains, aches, sluggishness, rheumatism, neuritis, underweight, overweight, nervous tension, fatigue, swollen feet or legs, loss of speech, coronary thrombosis, intermittent claudication, abdominal angina, feet troubles, swollen joints, stiff knee, fibrous swelling or infiltration in the interior of the body, accumulation of fibrous, cartilaginous, or even bony overgrowth in a joint, muscular ailments, and many other ailments or diseases; and that the devices would be effective to throw off poisons in the system, hasten the healing of broken bones, insure a healthy, glowing complexion, effect the same benefits to the user as active exercise, give the body tone and the user vitality and energy, maintain and restore normal functions of the body, and insure good health. The devices did not constitute an adequate and effective means of treatment for such diseases, symptoms, and conditions, and they were not capable of fulfilling the promises of benefit made for them.

Further misbranding, Section 502 (f) (1), the labeling of the devices failed to bear adequate directions for use for the purposes for which they were intended, namely, for the diseases, symptoms, conditions, and purposes for which they were offered and recommended by Mrs. Betty Myers, demonstrator for and on behalf of the consignee, on August 15, 1952, namely, disorders of the kidneys, gallbladder, pituitary thyroid, eyes, ears, colon, liver, and circulation; for congestion, bronchitis, diabetes, arthritis, swollen ankles or legs, varicose veins, hay fever, back troubles, sinusitis, headaches, menstrual cramps, prostate trouble, pains, sluggishness, aches, and growths; and to speed healing of broken bones and to strengthen muscles.

The devices were misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: March 27, 1953. The Niagara Equipment Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the devices be released under bond for relabeling under the supervision of the Federal Security Agency.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

3958. Misbranding of Ar-Pan-Ex tablets. U. S. v. 29 Bottles, etc. (F. D. C. No. 29067. Sample No. 77207–K.)

LIBEL FILED: April 24, 1950, Southern District of Illinois.

ALLEGED SHIPMENT: On or about March 6, 1950, by the Reed Products Co., from St. Louis, Mo.

PRODUCT: 29 100-tablet bottles of *Ar-Pan-Ex tablets* and 1 window streamer and 3 display cartons entitled "Ar-Pan-Ex" at Collinsville, Ill.

Examination disclosed that a large size of type was used on the label of the product for the names of disease conditions and that smaller type was used for the qualifying expression "For relief of muscular aches and pains commonly associated with."

LABEL, IN PART: (Bottle) "Ar-Pan-Ex Tablets Each Enteric Coated Tablet Contains: Active Ingredients: Sodium Salicylate, Sodium Para Aminobenzoate, Succinic Acid, Calcium Succinate, Vitamin C (Ascorbic Acid), Vitamin B–1 (Thiamin Hydrochloride), Vitamin B–2 (Riboflavin)."

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the article contained prominently displayed statements arranged to represent and suggest that the article was an adequate and effective treatment for arthritis, neuralgia, rheumatism, lumbago, sciatica, neuritis, and bursitis, which statements were misleading since the article was not an adequate and effective treatment for those conditions.

DISPOSITION: February 26, 1953. The libel action having been removed to the Eastern District of Illinois, and the Reed Products Co., claimant, having filed an answer denying the allegations of the libel and later having withdrawn its answer and consented to the entry of a decree, judgement of condemnation was entered and the court ordered that the product be destroyed.

3959. Misbranding of Glan-F. U. S. v. 129 Bottles * * *. (F. D. C. No. 33907. Sample No. 2160–L.)

LIBEL FILED: October 3, 1952, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about March 25, 1952, from Kalamazoo, Mich.

PRODUCT: 129 bottles, each containing 90 tablets, of *Glan-F* at Sanford, N. C., in the possession of the Medical Service Co.

RESULTS OF INVESTIGATION: The article was shipped in bulk and was repackaged into bottles and relabeled by the consignee.

LABEL, IN PART: (Bottle) "Glan-F for the Treatment of the Prostate Gland Active Ingredients: Suprarenal Substance N. F. 118 mgs. ea. tab. Medical Service Company, Sanford, N. C."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle label and in a circular entitled "Glan-F For Men" accompanying the article were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for enlargement of the prostate gland, whereas the article was not an adequate and effective treatment for this condition. The article was misbranded while held for sale after shipment in interstate commerce.

*See also Nos. 3953–3957.